

REMARKS

Claims 1-49 are pending in the present application.

Restriction to one of the following inventions is required by the Examiner under 35 U.S.C. 121:

Group I, claims 11-16, 21-28, 34-40 and 42-46, drawn to a solid state imaging device;

Group II, claims 21-28, 34-40 and 42-46, drawn to a solid state imaging device;

Group III, claims 1-10, 17-20, 29-33, 41 and 47-49, drawn to a method of manufacture;

Group IV, claims 1-10, 17-20, 29-33, 41 and 47-49, drawn to method of manufacture; and

Group V, claims 1-10, 17-20, 29-33, 41 and 47-49, drawn to method of manufacture.

This requirement is respectfully traversed.

Did the Examiner intend to have Group III correspond to claim 1 and dependent claims thereon, Group IV correspond to claim 17 and dependent claims thereon, and Group V correspond to claim 29 and dependent claims thereon? If the Examiner has simply misidentified which claims correspond to which groups, then Applicants elect Group III, drawn to a method comprising forming an external

connecting terminal corresponding to the IT-CCD as recited in claim 1 and claims dependent thereon.

Clarification of the Examiner's "restriction" requirement is respectfully requested. Generally speaking, "restriction" includes the practice requiring an election between distinct inventions and the practice relating to an election between independent inventions, for example, **and** election of species. See MPEP 802.02. However, in the present situation, the Examiner's position as to what he is requesting is entirely unclear.

Is the Examiner asking for Applicants to choose between product claims and process claims? If process claims are elected, is the Examiner asking for an election of species?

For example, and more specifically, the Examiner is restricting process claim 1 into three different inventions without stating if this is an election of species requirement. Adding to the confusion, several of the Examiner's comments appear to relate to an election of species requirement rather than to restriction between various classes of invention [e.g. a product such as recited in Groups I and II, versus a process such as recited in Groups III-V]. If the Examiner's position is that claim 1 is a generic process claim and encompasses multiple species and thus an election of species requirement is necessary, then the Examiner

should clearly state such a position. However, the Examiner's comments are confusing as to exactly what is being requested.

If the Examiner's "restriction" is an election of species, then the Examiner should further state that he will examine the elected invention and upon allowance of the elected invention continue searching a reasonable number of additional species within the generic claim. However, the Examiner provides no basis for dividing claim 1 into three separate and distinct inventions. Indeed, based on the Examiner's grouping of the claims, the Examiner appears to be taking the position that claim 1 is generic and then improperly divides several species from a generic claim without indicating that a reasonable number of additional species within the genus would be considered upon allowance of the elected species. See MPEP 806.04(a).

In any event, Applicants traverse the restriction requirement [e.g. with respect to Groups III-V] as being improper and without proper explanation, especially since the same claims are identified for each group of inventions with respect to the process claims. In response to a properly reasoned Restriction Requirement, presumably with respect to product claims versus process claims, Applicants elect the process claims, and if necessary, the process claims recited in Group III, which group coincidentally includes all of the identical claims of Groups III-V. To the extent that

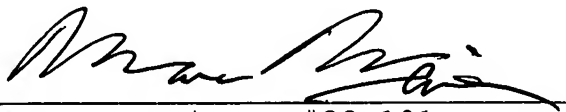
this an election of species requirement with respect to the method claims, Applicants elect Group III. To the extent that the Examiner misidentified the claims corresponding to the various groups, Applicants again elect Group III drawn to a method comprising forming an external connecting terminal corresponding to the IT-CCD as recited in claim 1 and claims dependent thereon.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Marc S. Weiner (Reg. No. 32,181) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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